

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

EMANUEL REDDEN,)
)
Plaintiff,)
) Civil Action No. 05-238-GMS
vs.)
)
WARDEN KEARNEY, SGT. DUKES)
and C/O WALKER,)
)
Defendants)

Deposition of EMANUEL W. REDDEN, JR., taken pursuant to notice at the Delaware Correctional Center, 1181 Paddock Road, Smyrna, Delaware, beginning at 11:35 a.m., on Wednesday, January 17, 2007, before Allen S. Blank, Registered Merit Reporter and Notary Public.

APPEARANCES:

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For - Defendants

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ORIGINAL

1 A Two years.

2 Q Two years?

3 A Yes, ma'am. Since I came up from Georgetown.

4 Q So prior to being at Delaware Correctional Center,
5 you were in Georgetown?

6 A Yes, ma'am.

7 Q How long were you in Georgetown?

8 A From June 2004 to March 1st, 2005.

9 Q And when you say Georgetown, what institution are
10 you talking about?

11 A Sussex Correctional Institution.

12 Q Okay. Who is Rick Kearney?

13 A That's the warden of Sussex Correctional
14 Institution.

15 Q And why is he a defendant in this lawsuit?

16 A Because the bed was moved and placed in those areas
17 under his authority. He is in charge of the Sussex
18 Correctional Institution.

19 Q Can you give me a physical description of Warden
20 Kearney?

21 A Well, when I seen him, he was a tall, slim white
22 guy, young guy, brown hair. I seen him from a window in
23 passing.

24 Q Have you ever spoken with Warden Kearney?



1 A No, ma'am. But I wrote him on several occasions and
2 never heard anything from him.

3 Q You wrote him in relation to this matter or in
4 relation to other matters?

5 A In relation to this matter being in behavior
6 modification. I felt it was unjustifiable for me to be
7 there. And I explained to him the situation.

8 Q Do you have copies of your letters?

9 A No, ma'am.

10 Q When did you write him?

11 A When I was in behavior modification.

12 Q And when was that?

13 A In September of 2004.

14 Q Do you understand the difference between what
15 someone personally does and what their employees do?

16 A Yes, ma'am.

17 Q What is the difference?

18 A The difference is that the employees do it and the
19 one in charge is responsible for the actions, too.

20 Q Are you aware that in an institution such as a
21 prison, correctional officers must have the ability to take
22 action and make decisions without consulting the warden
23 every time?

24 A Yes, ma'am.



1 name down there. He said, there must be some confusion, you
2 know.

3 So he said the nurse said something about she
4 got it and she don't know what's going on. And I said,
5 okay.

6 So I called my family and said I'm having a
7 problem getting sick call and explained to them. You know,
8 they live in Wilmington. There was really nothing to do. I
9 was just letting them know that there was something wrong
10 with my leg, my sisters.

11 So the next day, sick call sent for me. And by
12 my being up all night, I was tired and everything and I was
13 on the top bunk. I actually had to start getting help to
14 get up on the bunk. And I was tired. So I just dozed off
15 and went to sleep.

16 So when somebody woke me up and said it is time
17 to go to sick call, sick call called for you, I was
18 struggling to get down out of the bed because my leg was
19 really hurting and it was like your heartbeat, the blood was
20 draining out of my knee, and the brothers helped me down
21 there. By the time I limped to the gate and the officer
22 opened up the gate. So as I was going through the gate,
23 through the chow hall to go to sick call, here come Officer
24 Walker stepping down. Sergeant Dukes and them was up at the



1 my knee, you know.

2 Q Being that you knew that the steel was protruding
3 out, is there anything that you could have done to prevent
4 your leg from hitting the steel?

5 A Well, not really. Because it was sticking out, you
6 see. I mean protruding like this is the edge of the bed.
7 And the steel screen wasn't actually put right on the bed
8 per se. It was like off a little bit, you know. You might
9 have this much of steel sticking out. Maybe about this
10 much, you know, all uneven, like loose like this here, you
11 know, come in, come out like here where it was cut, you see,
12 all across the edge. And the bottom bunk was like that,
13 too. He didn't have to climb on it. He just had to sit on
14 it, you know.

15 Q And approximately how much was sticking out?

16 A I would say about -- maybe about half an inch.

17 Q Half an inch?

18 A Yes, ma'am. All the way across.

19 Q So after you hit your leg, what did you do next?

20 A Well, like I said, when I was climbing up on the
21 bunk, you know, I felt the pressure on my leg or whatever,
22 you know. But it wasn't -- it didn't bother me or whatever,
23 you know, at the time, you know. And then I noticed where a
24 couple days later, you know, it started swelling up. I



1 thought, well, a boil came up there and then the boil
2 busted, you know. And that's when it started draining and
3 my leg swelled up, you know.

4 Q Did you tell any of the officers that you had hit
5 your leg on the 18th?

6 A No, ma'am.

7 Q Did you tell any officer on the next day, on the
8 19th?

9 A No.

10 Q What about on the 20th?

11 A No. It didn't start until the 21st, right. That's
12 when it started swelling up and things like that.

13 Q So when was the first day that you noticed something
14 happen to your left leg?

15 A Well, I injured it the 18th and the blister came up,
16 you know.

17 Q When did the blister come up?

18 A Between the 18th and the 21st. I can't remember per
19 say, Ms. Tross. But it wasn't no, you know, like, you know,
20 no real big blister. It was a little thing, you know. You
21 know what something puncture or anything, like a scratch or
22 something, just a regular thing, you know. It wasn't just
23 run out to the infirmary and say look, I scratched my knee
24 or whatever. It wasn't nothing like that. Then the blister



1 came up. Once the blister busted, then that's when -- it
2 didn't really start draining right away, then, because my
3 leg swelled up. And then after I guess over the time that I
4 was there, when the hole got deep, the blister come up.
5 Just like every time the heart beat, the blood was coming
6 out like that. So the more my leg was draining, then the
7 more pressure was coming off my leg, you know.

8 Before that, I was in extraordinary pain and I
9 couldn't sleep. All I could do is just sit up in the bed
10 with my back to the wall and just rub my leg all night, you
11 know, all day, because I'm telling you. Because my leg
12 swelled up real big, you know. Maybe about three or four
13 second. Every time I went over to the infirmary, they would
14 measure my leg. As long as my leg was big, I stayed in the
15 hospital.

16 Q So let's go back to the statement of claim in your
17 complaint.

18 Could you please read the first sentence of the
19 second paragraph of the statement of claim? It starts, on
20 Wednesday.

21 A Yes, ma'am. On Wednesday, July 1st, early in the
22 morning, I noticed my leg was swollen and bleeding pus/
23 blood. I was unable to sleep as a result of extreme pain.

24 Q Okay. You said July 1st. But it says July 21st?



1 A Yes, ma'am, July 21st. I tell you I have a problem
2 because I don't have the reading glasses.

3 Q So according to your complaint, you noticed that
4 your leg was swollen and bleeding on July 21st?

5 A Yes, ma'am.

6 Q Had you had any swelling in your leg prior to July
7 21st?

8 A I didn't notice it like that, you know.

9 Q Did you have any bleeding in your leg prior to July
10 21st?

11 A No, ma'am. The blister was there, you know. But it
12 didn't bust anything. I just thought it was, you know, like
13 a bump or something, you know.

14 Q And what happened after you noticed that your leg
15 was swollen and bleeding on July 21st? What did you do
16 next?

17 A I was in the bathroom and that's when one of the
18 officers came through there, a black officer. He came and
19 seen me in the bathroom. Because being in the bathroom like
20 that, you know, after the count and everything when the
21 shift come on, the 12:00 o'clock shift. So that's when he
22 sent for the shift commander, Sam Hastings.

23 Q Do you recall the officer's name who saw you?

24 A I did know but it slipped my mind. I can't



1 remember.

2 Q Did you write a sick call slip on July 21st?

3 A Yes, ma'am.

4 Q Do you have a copy of that sick call slip?

5 A No. Because when I filed it, they said they never
6 got it. Because you put it in the box, you know, you just
7 write it up and put it in the box, you know. And that's it.

8 Q And when do you first claim that you told Sergeant
9 Dukes about your leg? What day?

10 A This had to be the same day.

11 Q You told him on July 21st?

12 A I'm trying to remember. Because I didn't talk to
13 him per se. It was Walker that was running that gate.
14 Dukes was in the office, you know.

15 Q So you didn't speak directly with Sergeant Dukes?

16 A No. Only until he came on the tier and brought me
17 those boxtops of cardboard to put across my bed. That's
18 when I spoke to him.

19 Q But on July 21st, you didn't tell Sergeant Dukes
20 about your leg?

21 A No. Because, see, what happened, like I said, on
22 Wednesday, the 21st, early in the morning, I noticed my leg
23 was swollen and pus was coming out.

24 So this was the 12:00 o'clock shift. So it had



1 to be on the 21st, Ms. Tross.

2 Q That you spoke with Sergeant Dukes?

3 A Yeah. Because if I'm saying the 21st when the early
4 shift came on, they worked the 12:00 to 8:00 shift. You
5 see, they come on at 12:00 o'clock. So this should have
6 been the 21st.

7 Q And what did you say to Sergeant Dukes?

8 A Well, I talked to Sam Hastings first.

9 Q Okay.

10 A He was the sergeant. And when I was in the
11 bathroom, that's when the correctional officer came through
12 there and making the round and noticed my injury because it
13 was bleeding and everything.

14 So he in turn asked what happened. I told him
15 what happened. And then Sergeant Hastings came and informed
16 me that he -- he informed me that he was going see Sergeant
17 Dukes on the 8:00 to 4:00 shift for the purpose of getting
18 me to sick call.

19 Q Okay. So do you know if Officer Hastings ever spoke
20 with Sergeant Dukes?

21 A Yes, ma'am. Because, see, Sam Hastings, he run the
22 whole building. But he worked the 12:00 to 8:00 shift. He
23 is over Sergeant Dukes, you see. He run the whole building.

24 Q So how do you know Sergeant Hastings spoke with



1 Sergeant Dukes?

2 A Because he told me he did.

3 Q And when did he tell you that?

4 A The following -- the night when he came on. So that
5 had to be late the 21st or early the 22nd.

6 Q Okay. And do you know what Sergeant Hastings said
7 to Sergeant Dukes?

8 A I don't know verbatim because I wasn't there.

9 Q Did you ever personally tell Sergeant Dukes about
10 your leg?

11 A Yes, ma'am.

12 Q And when did you personally tell him about your leg?

13 A The same day, the 21st. That's when he came over
14 there about half an hour later. He came over there with the
15 cardboard, you know.

16 Q So let me just make sure I understand. You were in
17 the bathroom?

18 A Yes, ma'am.

19 Q And an officer came and saw you?

20 A On the 12:00 to 8:00 shift.

21 Q That officer then spoke with Sergeant Hastings?

22 A Right.

23 Q Sergeant Hastings said he would speak with Sergeant
24 Dukes?



1 A Right.

2 Q And Sergeant Dukes later came and spoke with you?

3 A Yes, ma'am.

4 Q And when you spoke with Sergeant Dukes --

5 A See, Sergeant Dukes didn't come directly. I spoke
6 to Officer Walker first.

7 Q Okay.

8 A And then they told me Sergeant Dukes was too busy
9 and all that there, you know, he wouldn't relay the message
10 until sergeant -- he is the one that relayed the message and
11 Sergeant Dukes came and brought me the cardboard and
12 everything like that to put across the edge of my bed.

13 Q So when did you first speak to Officer Walker?

14 A The same day of the 21st when I didn't go to sick
15 call.

16 Q Okay. Let's go to paragraph four of the statement
17 of claim. Could you please read the first sentence where it
18 states, the pain became so severe?

19 A Yes, ma'am. The pain became so severe. I showed my
20 leg to CO Walker on Wednesday, the 21st and again, Thursday,
21 the 22nd.

22 Q Okay. So according to your complaint, you first
23 spoke with Officer Walker on Wednesday, July 21st, 2004, is
24 that correct?



1 A Yes, ma'am.

2 Q Would you be surprised to learn that Officer Walker
3 did not work on Wednesdays back in 2004?

4 A Yes, ma'am, I would be surprised.

5 Q Is it possible that you did not speak with Officer
6 Walker on Wednesday, July 21st?

7 A Oh, I spoke to Sergeant Walker when I was going out
8 the gate. He is the one that came down and stopped me from
9 going out. Because the wood shop was coming in. Officer
10 Walker is the one that stopped me from going out the gate to
11 sick call on my way out and told me to go back to the tier
12 because sick call was over with. Yeah.

13 Q Is it possible you didn't speak with Officer /ER
14 Walker until the 22nd?

15 A It might have been. But what I'm saying to you as a
16 fact, I spoke to Sergeant Walker.

17 Q On the 21st?

18 A I don't know if it was the 21st. It should have
19 been the 21st but I'm not certain. After 12:00 or whatever.
20 But I spoke to Sergeant Walker and he is the one that
21 relayed my message to Sergeant Dukes, you see, and he is the
22 one that originally told me that Sergeant Dukes was too
23 busy.

24 I know Sergeant Walker. I mean Officer Walker.



1 When he brought me those strips of cardboard.

2 Q Okay. Could you please read the remainder of
3 paragraph four?

4 A Yes, ma'am. The pain became so severe, I showed my
5 leg to CO Walker on Wednesday, July 21st, and again on
6 Thursday, the 22nd. Each time conveyed nothing he could do
7 and wasn't going to call -- wasn't going to call medical.

8 Q Keep going.

9 A In order for him to send me to medical, medical
10 would have to call. I explained to him I had put in a
11 couple sick call passes the day before and my name simply
12 wasn't appearing on the sick call list. I asked him would
13 he please call the hospital as a result of my leg constantly
14 bleeding.

15 Q Okay. So according to your complaint, when you
16 spoke with Officer Walker, you said, I explained to him, I
17 had put in a couple sick call passes the day before?

18 A Yes, ma'am.

19 Q And my name still wasn't appearing on the sick call
20 list?

21 A Right.

22 Q Do you recall making that statement to Officer
23 Walker?

24 A Yes, ma'am.



1 receiving cortisone injections in the back of my head for
2 keloid infection.

3 Q And did you write this section of the sick call
4 slip?

5 A Yes, ma'am.

6 Q So according to the sick call, you had injured your
7 knee, is that correct?

8 A Yes, ma'am.

9 Q Okay. Now, why did you wait until July 22nd to fill
10 out this sick call slip?

11 A Well, like I said, Sergeant Hastings said he is
12 going to put my name on there, you see. And then that night
13 when he came on, I said, hey, man, I didn't go over there.
14 So he told me to fill out another one. So I filled out this
15 one here.

16 Q Okay. Let's finish reading this. If you can read
17 out loud the section, do you see where it last the letter P
18 and then it begins, Officer Walker?

19 A Yes, ma'am.

20 Q Could you read that out loud?

21 A Officer Walker notified and will send inmate to sick
22 call.

23 Q So according to the slip, Officer Walker was
24 notified and agreed to send you to sick call?



1 A Ma'am, you're going a little too fast. Officer
2 Walker notified and will send inmate to sick call. See,
3 this is when they got a no-show. He never notified me at
4 all about no sick call.

5 Q Okay.

6 A On July 23rd.

7 Q But according to this sheet, Officer Walker said he
8 would send the inmate to sick call?

9 A Yes, ma'am. And this is the same woman, Brenda,
10 when I got over there a couple days later, this is when they
11 accused me of refusing to come to sick call. And I told
12 her, I said, I never refused to come to sick call, you know,
13 didn't nobody tell me about no sick call.

14 Q Is that what's meant by the no-show on the sick
15 call?

16 A Yes, ma'am.

17 Q And this no-show is dated July 23rd?

18 A Yes, ma'am.

19 Q So did you ever go to the medical department on July
20 23rd?

21 A No, ma'am. I didn't go over there until -- the
22 dates I have down here.

23 Q So what happened on July 23rd?

24 A Well, this is the date that evidently I was talking



1 they called me at 9:00 o'clock, they would have had me, you
2 know. Because --

3 Q But at some point, were inmates waking you up saying
4 they are calling you for sick call?

5 A No, ma'am.

6 Q So how did you eventually learn that you were called
7 for the sick call?

8 A Well, what happened, around -- I don't know. It was
9 around 10:00 o'clock, a brother woke me up and said they are
10 calling you for sick call.

11 Q So someone had heard that they were calling you?

12 A Yeah. But it was around 10:00 o'clock, see.

13 Because, see, the officer call you, you know, from the booth
14 or wherever they be at, you know, come to the gate or
15 something like that, you know.

16 So when the brother related to me, that's when
17 he helped me off the bunk and everything, actually gave --
18 the officers let me out the gate. I made it out the gate.
19 I was on my way to the front door. And that's when Sergeant
20 Walker came down there and told me sick call was over with.

21 Q Do you recall a code yellow being called that day?

22 A No, ma'am. What's code yellow?

23 Q Where basically the inmates weren't allowed to move
24 from where they were from.



1 Sergeant Campbell told me that she felt
2 indebted to Sergeant Dukes, because when she ran out of sick
3 time when she was sick, Sergeant Dukes gave her his sick
4 days so she could still continue to get paid and stay out
5 there. You can investigate that, too. That's what Campbell
6 told me. So that's how they got me out of Smyrna and got me
7 up here, you see.

8 Q So did you agree to write off on the grievance?

9 A Yes, ma'am. Yes, ma'am. Only so I could continue
10 on with my grievances, you know. Because they had three
11 officers there. No, they had the counselor, two officers
12 and two inmates, you see. This is right here. I sent you
13 the documents to that.

14 Q Yes, you did.

15 A Right. So the inmates vote whatever way, then there
16 is always three to two, you know.

17 So I wanted to go forward with my grievances,
18 whatever, you know. So after they agreed to all that there
19 and everything so I have them on that there because all
20 these guys was witnesses where they promised to do all that,
21 you see. So I said, okay.

22 Because Lieutenant Johnson here, he is a very
23 good man. He is a very good, honest man, you see. He don't
24 lie at all.



1 was on the way out the door, Ms. Tross. The door was open.
2 I was on the way out. That's when he came down and called
3 me.

4 Q And you did get to the infirmary on July 24th,
5 correct?

6 A Yes, ma'am. Is that what I have written down there?
7 Yeah. I believe so. I don't know if it was a Saturday or
8 not.

9 Q But it was the next day? It was July 24th?

10 A Yes, ma'am. It was on Saturday. Because my sister
11 came to see me that night. My two sisters had a Saturday
12 night visit. So I showed them my knee. So it was the 24th
13 when I got over there.

14 Q When you say got over there, you mean the infirmary?

15 A Yes, ma'am.

16 Q Mr. Redden, did Warden Kearney cause you to injure
17 your leg on the bunk?

18 A No, ma'am.

19 Q Did you see him cause the metal to protrude from
20 your bunk?

21 A No, ma'am.

22 Q Did he prevent you from filling out a sick call slip
23 prior to July 22nd?

24 A No, ma'am.



1 Q Do you remember the date of the Friday?

2 A I have something right here now. I can track it
3 down here.

4 Q But the one that we discussed on the 22nd, that was
5 the first one that you personally filled out?

6 A Yes, ma'am.

7 Q When was the first time you saw a nurse for the
8 injuries to your knee and leg?

9 A That Saturday when I went over there, that Saturday
10 morning, whatever time I went over there, I seen Ms. Brenda,
11 the one that accused me of not coming over there.

12 Q Would that be July 24th?

13 A I presume, yes, ma'am. Let me check. Yes, it had
14 to be on Saturday, the 24th, yes, ma'am.

15 Q When was the first time you saw a doctor for the
16 injury to your knee and leg?

17 A Well, I went over there the 24th and I never seen no
18 doctor until that Monday. Because the doctors don't be
19 there on the weekend. But there was one on call and the
20 nurse that evening called and she said, his leg don't look
21 too good to me. I think that might have been Sunday night
22 or Saturday night. I'm not certain. She said, his leg
23 don't look too good to me. I don't like the way it looks.
24 She was talking to him on the phone. She explained how my



1 there.

2 When I would go over there in the evening, they
3 would take that packing out and pack it again. And then
4 when I would go over there in the morning, they would take
5 the packing out and pack it again and they would massage my
6 leg and measure my leg and everything. This is while I was
7 in the infirmary.

8 And so they kept saying his leg is too big and
9 taking the measurements and everything. As long as my leg
10 was big, 18 or whatever, you know, I think this leg was 15,
11 they wouldn't let me leave because my leg was swelled up
12 real bad. But I told you I had to leave because they kept
13 bringing the dogs. And the more I complained about I
14 couldn't sleep, the more they came coming in the hallway
15 with the dogs and everything barking all night long. I just
16 couldn't get no sleep. I couldn't get anything in there,
17 you know.

18 Q Were you prescribed any medication for the injury to
19 your knee and leg?

20 A They gave me some antibiotics. I had to take some
21 antibiotics for the poison in my knee.

22 Q And did you take them?

23 A Yes, ma'am.

24 Q Did they prescribe anything else?



1 A No, ma'am.

2 Q Are you currently on any medication for the injuries
3 to your knee and leg?

4 A No, ma'am.

5 Q And when was the last time you saw a doctor or a
6 nurse for the injuries to your knee and leg?

7 A When I was in behavior modification in
8 September 2000.

9 Q September 2000?

10 A 2004. September 2004. Then when I got out of
11 there, I was healed in between September. That's when I
12 stopped my treatment. In September or early October, 2004.

13 Q And that was the last time you saw a doctor or nurse
14 for it?

15 A Yes, ma'am. Because the wound had healed up.

16 Q And when was the last time that you took medication,
17 the antibiotics, for your injury?

18 A Well, they gave me a whole bunch of that stuff, you
19 know, where I had to take it so many times and everything.

20 Q Do you remember how long it lasted? Were you on it
21 for a week?

22 A No, I was on there for about a month. Yeah, about a
23 month or more. From July. I'd say about a month and a
24 half.



1 A Yes, ma'am.

2 Q Okay. On page seven, interrogatory number five, you
3 stated that the grievance board members voted to verbally
4 reprimand the defendants.

5 How do you know the grievance board members
6 voted to verbally reprimand the defendants?

7 A I was there when they discussed it. Yeah, I was
8 there.

9 Q So this was discussed at the grievance hearing?

10 A Yes, ma'am.

11 Q And who voted to verbally reprimand the defendants?

12 A All of them did. Lieutenant Sturgis, Lieutenant
13 Johnson and Ms. Kromla. Because once they realized the
14 seriousness of the charges, see, they didn't want me to go
15 through. So they seen all three of my grievances at the
16 same time. Diaz and the other one that they dismissed
17 because he backdated the charge on me, gave me a charge so
18 he could get that dismissed when he bumped me with his
19 stomach because I wrote that up, too.

20 Q And when you said they voted to verbally reprimand
21 the defendants, did this include Warden Kearney?

22 A I didn't file no grievance against Warden Kearney.

23 Q Who was the grievance against?

24 A Sergeant Dukes for medical -- for refusing me



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I N D E X

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E X H I B I T S

STATE DEFENDANT'S DEPOSITION

NUMBER	DESCRIPTION	MARKED
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2	Delaware Department of Corrections Request for Medical/Dental Sick Call Services	33
3	Grievance Report	39
4	Defendants' Combined First Set of Interrogatories and Requests for Production of Documents Directed to Plaintiff	60



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3 New Castle County)
4

5 CERTIFICATE OF REPORTER

6 I, Allen S. Blank, Registered Merit Reporter and
7 Notary Public, do hereby certify that there came before me
8 on the 17th day of January, 2007, the deponent herein,
9 EMANUEL R. REDDEN, JR., who was duly sworn by me and
10 thereafter examined by counsel for the respective parties;
11 that the questions asked of said deponent and the answers
12 given were taken down by me in Stenotype notes and
13 thereafter transcribed by use of computer-aided
14 transcription and computer printer under my direction.

15 I further certify that the foregoing is a true and
16 correct transcript of the testimony given at said
17 examination of said witness.

18 I further certify that I am not counsel, attorney,
19 or relative of either party, or otherwise interested in the
20 event of this suit.

21
22
23
24


Allen S. Blank, RMR
Certification No. 103-RPR
(Expires January 31, 2008)

DATED: January 26, 2007



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